

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 25.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
And
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Appeal Nos.2864 and 2865 of 2001

G. Jothilakshmi ... Appellant in both WAs./Petitioner
W/O.Mr.Ganesan
rep.by her Power Agent
Mr.R.Veerappan, Chennai.

Vs.

1. State of Tamilnadu rep.
by its Commissioner and
Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.

2. The Special Tahsildar (LA),
Tamilnadu Housing Board,
Nandanam,
Chennai-600 035.

... Respondents in both WAs./Respondents

Appeals under Clause 15 of the Letters Patent as against the common judgment of the learned single Judge dated 09.10.2001 made in W.P. Nos.16583 and 16582 of 1999. WP.No.16583/99 & WP.No.16582/99 filed under under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the Respondents in G.O.Ms.No.570 Housing and Urban Development dated 24.7.84 published in Tamilnadu Govt.Gazette on 22.8.84 and G.O.Ms.No.351 Housing and Urban Development dated 4.3.86 published in Tamilnadu Govt.Gazette on 19.3.96 in respect of the Land belonging to the petitioner comprised in T.S.No.16/1 and 16/7 and 16/3 Puliyur Village Block No.38 Egmore-Nungambakkam Taluk measuring 15 grounds and 1901 Sq.ft & 1 ground 1255 Sq.ft respectively in all measuring 17 grounds 0.756 Sq.ft 10 grounds and 73 Sq.ft respectively and to quash the same.

For Appellant : Mr.K.Sridhar,
For Mr.Rabu Manohar.
For Respondents : Mr.C.Thirumaran,
Government Advocate.

COMMON JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

As against the common order passed by the learned single Judge, dated 09.10.2001, in W.P. Nos.16583 and 16582 of 1999, the writ petitioner/land owner preferred the above Writ Appeals.

2. Before the learned Judge as well as before us, the only contention raised by the learned counsel for the appellant/petitioner is that the Awards passed by the Land Acquisition officer (Award Nos.1/98 and 2/98) are beyond the prescribed period, hence, the acquisition proceedings are liable to be quashed.

3. The learned Judge, after considering the date of last notification under Section-6 of the Land Acquisition Act and the date of passing of the Award; and verifying the date of filing of the Writ Petitions, stay orders and disposal of the same; rejected the said contention, dismissing all the writ petitions.

4. Mr.Sridhar, learned counsel appearing for the appellant, by furnishing a list of dates in respect of the Notifications and orders passed by this Court both in the Stay Petitions as well as main Writ Petitions, contended that Award Nos.1/98 and 2/98 passed on 09.3.1998 and 10.09.1998 respectively cannot stand since they are beyond the prescribed period of two years from the date of declaration.

5. As against the said contention, learned Government Advocate, by furnishing list of dates and events and placing the records as well as earlier orders passed by this Court, contended that the time limit for passing the award was available upto 09.11.1999, hence, the awards passed on 09.03.1998 and 10.09.1998 were well within time, accordingly, prayed for dismissal of both the Writ Appeals.

6. In the light of the submissions made, we verified the details regarding the last mode of publication, notification under Section 6 of the Act and the award proceedings in Award Nos.1 of 1998 and 2 of 1998. Inasmuch as the learned Government Advocate has culled out the relevant dates and details from the Files as well as orders of this Court, we intend to refer to those details hereunder:-

" W.A. Nos.2864(S.No.16/1) and 2865 (S.No.16/3) of 2001 - filed by G.Jothilakshmi by power Agent R.Veerappan.

Award No.1/98	Award No.2/98	Award No.1/99
S.No.16/3	S.No.16/1, 16/7	S.No.16/4,5,6
dt.9.3.98	dt.10.9.98	dt.18.5.99

Notification issued u/s.4(1) in G.O.Ms.No.570 - 24.7.84
TNGG - 22.8.84
Declaration made u/s.6 in G.O.Ms.No.351 - 4.3.86
TNGG - 19.3.86
Local publication - 15.4.86

From the last date of the publication of the declaration ie., from 15.4.86, the Award ought to have been passed on or before 14.4.88.

Particulars with regard to the writ petitions challenging the said acquisition proceedings:

1. W.P.No.13985/86 - filed by Samuga Nalapani Kahagam - S.No.16/2. Interim stay granted on 22.12.86 date of disposal of writ petition - 20.2.97
2. W.P.No.2879/88 - filed by Ahamedulla Basha - S.No.16/1 - Interim stay granted on 21.3.88 - date of disposal of writ petition - 20.2.97.
3. W.P.No.4016/88 - filed by Chellaiah (Member of the Sangam) - S.No.16/213 - Interim stay granted on 8.4.88 date of disposal of writ petition - 14.6.97.
4. W.P. No.3902/88 - S.No.16/5 and 16/6 - interim stay granted on 7.4.88 - date of disposal 16.7.98.
5. W.P. No.15158/98 - filed by Margert - S. No.16/1, 16/7 (6 Grounds) interim stay granted on 25.9.98 - pending.
6. W.P.No.1733/99 - filed by Duraikannuammal - S. No.16/1, 16/7 - date of disposal - 1999.
7. W.A. No.366/99 - filed against the order in W.P.No.1733/1999 - Disposed on 9.7.2001
8. W.P. No.231/2000 - filed by legal heirs of Jegan Mohan -S.No.16/1 Part) - pending.
9. W.P. No.12347/99 filed by 11 members - date of disposal 16.8.99.
10. W.P. No.9795/99 filed by K.M.Kannan S.No.16/4 interim stay granted on 10.6.99 - pending.
11. W.P. No.16369/93 - filed by Ahmadulla Basha - S. No.16/2 - interim stay granted on 17.11.93 - disposed on 9.10.2001.

Date of disposal of last writ petition i.e. W.P.No.3902/88 - dt.16.7.98

In respect of the above said acquisition proceedings, the interim stay was granted on 22.12.86, hence from 15.4.86 to 21.2.86 there was no stay (period not covered by stay 8 months 7 days)

Out of two years for passing award, the remaining period available to pass the award is one year three months 23-days.

Adding the said one year three months 23-days from 16.7.98, the time limit for passing award was available up to - 9.11.99

Hence the award No.1/98, 2/98 as well as 1/99 are made within two years."

7. On going through the details furnished relating to the acquisition proceedings and the orders passed by this Court both in the Stay Petitions and the main Writ Petitions, we are of the view that there is no reason to doubt the genuineness of the particulars furnished by the learned Government Advocate. In view of the fact that the respondents had time to pass awards till 09.11.1999 after excluding the period of stay and disposal of the Writ Petitions; and of the fact that award No.1/98 was passed on 09.03.1998 and Award No.2/98 on 10.09.1998; the only contention raised by the learned counsel for the appellant is liable to be rejected.

8. No other contention has been raised before us.

9. Writ Appeals fail and the same are dismissed. No costs.

Sd/
Asst.Registrar

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Sub Asst.Registrar

JI.

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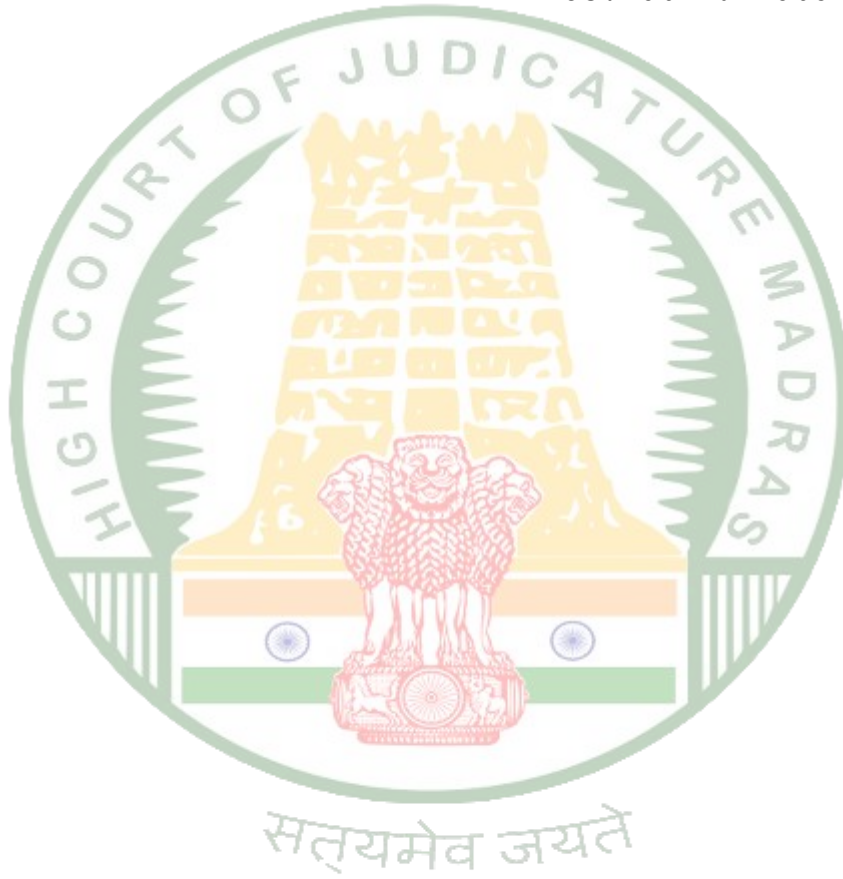
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2. The Special Tahsildar (LA),
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1 cc To The Government Pleader, SR.38609.
1 cc To Mr.B.Rabu Manohar, Advocate, SR.38682.

WA Nos.2864 & 2865 of 2001.

TEJ(CO)
RVL 05.09.2006



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